

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KING COUNTY, et al.,

Plaintiffs,

v.

SCOTT TURNER in his official capacity
as the Secretary of the U.S. Department of
Housing and Urban Development, et al.,

Defendants.

No. 2:25-cv-00814-BJR

SUPPLEMENTAL DECLARATION
OF JOHN BARBEE

I, JOHN BARBEE declare as follows:

1. I am a Pierce County Human Services Division Manager with primary responsibility for the administration of all Continuum of Care grant funds. I have been in this position with Pierce County since September of 2019.

2. Pierce County Human Services (PCHS) provides assistance through vital services and programs to support people in need such as veterans, older adults, children and families. In addition to working with clients one-on-one, PCHS also contracts with community-based agencies and local providers to deliver services.

3. The County is slated to receive approximately 43.8 million in funding from HUD for the 2024-2025 budget biennium. This funding is received through programs including but not limited to the Community Development Block Grant (CDBG), the HOME Investment

1 Partnership, and the Youth Homelessness Demonstration Project (YHDP).

2 4. Pierce County relies on the HOME program for affordable housing development
3 and preservation activities that benefit low-income households. This includes affordable
4 homeownership and rental housing activities. In 2025, the HOME funds are anticipated to serve
5 twenty low-income households through affordable housing development and preservation
6 funding.
7

8 5. Pierce County has been receiving HOME funding since 1992, using it to deliver
9 affordable housing through homeowner rehabilitation, homebuyer development and assistance,
10 and rental housing development and preservation throughout the Pierce County Consortium.

11 6. Pierce County contracts with the Pierce County Community Development
12 Corporation as the subrecipient to administer the HOME program. The 2025 HOME funding is
13 targeted at affordable housing development and preservation, and affordable housing developed
14 by Community Housing Development Organizations. The contract with the Pierce County
15 Community Development Corporation for the 2025 funds is pending execution of the 2025
16 HOME grant agreement between the County and HUD.
17

18 7. The total HOME funds subject to the new grant conditions is \$1,240,877.24. As
19 of the date of this declaration, the Pierce County Community Development Corporation is aware
20 of the 2025 HOME award, but funding agreements have not been executed. Therefore, while the
21 funds are planned to be contracted with the Pierce County Community Development
22 Corporation, they have not yet been obligated or expended. The 2025 Notice of Fund
23 Availability for HOME funded homeownership projects is currently on hold, meaning that
24 residents are not benefiting from housing creation or preservation through this program. The
25 entire budget for this program comes from the HOME grant.
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1 8. Pierce County received preliminary award notifications in May 2025. To receive
2 the grant agreement, the county will need to submit the consolidated plan that covers program
3 year 2025-29 (July 1, 2025 to June 30, 2030) and submit the annual action plan for 2025 that
4 covers the period July 1, 2025 to June 30, 2026. Under normal circumstances the county would
5 receive the grant agreement for HOME after HUD approval of the plans.
6

7 9. In addition to HOME grant funding, Pierce County relies heavily on federal
8 CDBG grants to fund essential services for low-income households, including early childhood
9 education (ECEAP), food bank services, mental health care, senior nutrition programs,
10 transitional housing, low-income housing development/preservation, Public Facilities and Public
11 Facility infrastructure, and homeowner rehabilitation. In 2025 alone, these funds are anticipated
12 to serve over 51,000 individuals through public services and provide housing support to 124
13 households.
14

15 10. Pierce County has been receiving CDBG funding for nearly 50 years, using it to
16 deliver stable, long-term community development and direct service programs throughout the
17 Pierce County Consortium. The county receives CDBG funds from HUD through an annual
18 formula grant. To receive the funds the county is required to submit a consolidated plan to HUD
19 every five years that describes the community needs and plan for the allocation of the CDBG,
20 HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG). During the
21 five-year consolidated planning period the county is required to submit an annual action plan that
22 describes the use of the HOME, CDBG, and ESG for the program year. HUD must approve the
23 annual action plan for the county to receive the CDBG funds. After the end of each program year
24 the county is required to submit a Consolidated Annual Performance and Evaluation Report
25 (CAPER). Pierce County has conditionally awarded subrecipients through a NOFA process to
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1 fund services scheduled to begin on July 1, 2025. While the HUD CDBG award arrives later in
2 the process, the acceptance or non-acceptance of said award could have a significant impact
3 beginning July 1, specifically to our public service subrecipients.

4 11. The total CDBG funds subject to grant condition is \$3,207,705. As of the date of
5 this declaration, some subrecipients have been notified of awards but funding agreements have
6 not yet been executed. Therefore, while the funds have been conditionally promised, they have
7 not yet been obligated or expended. These funds comprise the total budget for this program.

8 12. Pierce County also anticipates receiving federal funding from HUD for the
9 YHDP. This will be used to grants to fund housing services to youth and young adults ages 12 to
10 24, the programs include transitional to rapid rehousing, Coordinated Entry and mobile advocacy
11 to connect youth and young adults to housing services. The YHDP funds also provide
12 compensation for the Pierce County Youth Action Board (YAB), a lived experience group which
13 develops and plans the YHDP programs. The YHDP funds will serve over 150 youth per year.
14 Pierce County first received this funding in January of 2025.

15 13. The county was awarded YHDP funds from HUD through a competitive Notice
16 of Funding Availability (NOFO) process in the 2023 Round 8 funding cycle. The demonstration
17 grant is a two-year award and will then be renewed without a competitive process each year
18 through the Greater Tacoma Pierce County Continuum of Care (CoC). To receive the funds, the
19 county is required to submit a Coordinated Community Plan outlining the goals, strategies and
20 project types. Pierce County will need to award all subrecipients no later than January 1st, 2026,
21 a procurement process has been started but is paused due to the anticipated terms and conditions
22 in the grant agreement and certifications and assurances.

23 14. I am aware that in the certifications and assurances for the YHDP grant, there is a
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1 requirement that the organization receiving the finding certifies that it “Will comply with all
2 applicable requirements of all other Federal laws, executive orders, regulations, and policies
3 governing this program.” Please see a Screenshot of Certifications and Assurances for the YHDP
4 Grant Program attached as Exhibit A.

5
6 15. YHDP funding has been characterized by HUD as both being part of the CoC
7 grant program and as not part of CoC grant program, but subject to CoC grant program
8 requirements. In an abundance of caution Pierce County submitted certifications and assurances
9 through the HUD web portal with a memo indicating that conditions such as the one described
10 above are subject to the preliminary injunction as to HUD CoC that is currently in place.
11 However, the county fears that if HUD makes that administrative determination that the YHDP
12 program is not part of HUD CoC, the county will not be protected by the preliminary injunction.
13

14 16. The total YHDP funds subject to the new grant conditions in the amount of
15 \$3,514,672. As of the date of this declaration, Pierce County has not awarded funds to
16 subrecipients but has expended planning dollars in the amount of \$113,570.33. The YHDP gran
17 comprises the entire budget for this program.

18 17. Pierce County received preliminary award notifications in October 2024. To
19 receive the grant agreement, the county was required to submit the certifications by June 30th,
20 2025, and the grant agreement must be issued by HUD no later than September 30th, 2025. The
21 county has not yet received the 2025 YHDP grant agreement.
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23 18. It is my understanding that HUD has issued new terms and conditions for federal
24 grant recipients and that Pierce County is currently engaged in litigation regarding these new
25 terms and conditions.

26 19. On May 14, 2025, Pierce County received its FY 2025 CPD Formula Letter from
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1 HUD regarding certain non-CoC grant funding that stated, “As you are finalizing your Annual
2 Action Plans or Consolidated Plans that are due for submission to our office by August 16, 2025,
3 please be reminded that it is important to align with executive orders and applicable laws.”
4 Please see Pierce County’s FY 2025 CPD Formula Letter attached as Exhibit B.
5

6 20. I am also aware that on April 22, 2025, HUD has issued current “General
7 Administrative, National and Departmental Policy requirements and Terms for HUD’s Financial
8 Assistance Programs”. Many of the conditions based on recent Executive Orders are present in
9 this document, including the “Illegal DEI” condition, the “Gender Ideology” condition, the
10 “Elective Abortion” condition, and the “Immigration” condition. *See* Bellevue Schneider Decl.
11 Ex. B (General Administrative, National, and Departmental Policy Requirements and Terms for
12 HUD’s Financial Assistance Programs dated April 22, 2025).
13

14 21. If Pierce County refuses the new conditions and is denied federal funding, the
15 county and its constituents would suffer devastating short and long-term harm.

16 22. The loss of HOME grant funding would create a budget shortfall and jeopardize
17 affordable housing development and preservation efforts and plans. Specifically, homeownership
18 efforts and plans. Additionally, the loss of HOME funds would impact the Pierce County
19 Community Development Corporation as the subrecipient of the HOME program. HOME funds
20 represent most of the organization’s revenue and without HOME funds the organization is likely
21 not viable. Also note that this would impact the developer/sponsor/owner partners that acquire,
22 construct, and/or rehabilitate affordable housing. The County’s planned procurement for 2025
23 HOME funds has already been delayed - further delays will impact the affordable housing
24 development pipeline, which will cause delays in project and in the worst case scenario, project
25 cancellations. Finally, the county administers programs that must meet federal and state
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1 regulatory benchmarks (e.g., early childhood education, housing habitability). Without adequate
2 staffing from the loss of funds the County may not be able to meet its regulatory requirements.
3 This could expose the county to further legal or regulatory challenges. The HOME funding
4 supports a staff of 13, equivalent to four full-time employees.

5
6 23. Currently, no unobligated resources exist to allow the county to backfill the
7 HOME grant funds.

8 24. The Loss of CDBG funding would immediately jeopardize key services and
9 destabilize multi-year strategic plans built around federal funding assumptions. Currently there
10 are no adequate replacement funding sources available at the local or state level to replace
11 CDBG funds at the scale needed. Many of the programs funded by the CDBG grant would either
12 be significantly reduced or eliminated. The result is that more than 51,000 individuals would lose
13 access to essential services, including food assistance, mental health services, transitional
14 housing, housing repair, housing access, early education, and senior wellness programs.
15 Additionally, approximately 124 low-income households would lose access to housing repair.

16
17 25. Partner organizations would also be impacted by the loss of CDBG funds.
18 Subrecipients including food banks, mental health providers, senior centers, and affordable
19 housing agencies would face immediate operational disruptions, possible layoffs, inability to
20 meet client service obligations, and would not be able to meet the needs of low-income families.

21
22 26. The loss of these funds would ripple through the local economy, affecting jobs,
23 contractor revenues, and long-term community development outcomes such as access to food,
24 basic services, and homeownership and housing stability. Even a temporary disruption in receipt
25 of these funds could force layoffs, interrupt preschool services, halt construction projects, and
26 lead to the closure of food distribution sites, even if funding is later reinstated.
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28. The HUD grant funding outlined in this declaration is vital to Pierce County programs that impact significant issues facing Pierce County residents. Any loss of, or delay in receipt of HUD funding will hurt Pierce County's most vulnerable residents.

10 29. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this 9th day of July, 2025.

John Barbee
JOHN BARBEE

EXHIBIT A

Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) protection of wetlands pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

* As the duly authorized representative of the applicant, I certify: ☒

Authorized Representative for:

Prefix:

First Name:

Middle Name:

Last Name:

Suffix:

Title:

Signature of Authorized Certifying Official:

Date Signed:

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EXHIBIT B



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

May 14, 2025

Mr. Ryan Mello
County Executive of Pierce County
1501 Market Street, Suite 510
Tacoma, WA 98402

Dear Ryan Mello,

Secretary Scott Turner is committed to improving housing opportunities, reducing regulations to lower housing cost, and expanding housing supply for hardworking Americans. The nationwide shortage of rental and owner-occupied properties and the current rate of construction has not kept pace with the demand. This lack of adequate housing supply leads to higher prices for renters and homebuyers alike, forcing some into homelessness and preventing countless Americans from becoming homeowners. Across the country, partnerships between public and private sectors are providing millions of Americans an opportunity to get ahead. HUD is determined to continue its collaboration with you so programs are responsibly utilized and can spark additional leveraging and partnerships to address the nation's housing crisis.

As authorized by the Consolidated Appropriations Act (Public Law 119-4) on March 15, 2025, I am honored and excited to announce that your jurisdiction is receiving the following Fiscal Year 2025 allocations for the identified programs:

Community Development Block Grant (CDBG) - \$3,207,750.00

HOME Investment Partnerships (HOME) - \$1,240,877.24

Emergency Solutions Grants (ESG) - \$276,876.00

Housing Opportunities for Persons W/ HIV/AIDS (HOPWA) - \$0.00

Housing Trust Fund (HTF) - \$0.00

Recovery Housing Program (RHP) - \$0.00

In addition, your jurisdiction's CDBG allocation for this year provides you with \$14,598,750.00 in available Section 108 loan guarantee borrowing authority. Section 108 permits you to borrow up to five times of your current CDBG allocation. This loan allows jurisdictions to maximize access to low-interest capital, and provide long-term financing to invest in Opportunity Zones, or further address gap financing for big projects that you envision for your community.

As you are finalizing your Annual Action Plans or Consolidated Plans that are due for submission to our office by August 16, 2025, please be reminded that it is important to align with executive orders and applicable laws. If you or any member of your staff have questions, please do not hesitate to contact your local HUD Field Office in Seattle or CPDGDAS@hud.gov.

Thank you for your interest in CPD programs and for ensuring that these dollars are responsibly achieving outcomes as intended by law. When people have a safe and stable place to call home, they can focus on contributing to the economy and be productive members of their respective communities.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Fernandez", with a stylized, flowing script.

Claudette Fernandez
General Deputy Assistant Secretary
for Community Planning and Development

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2025, I served a true and correct copy of the foregoing document on the following parties by the method(s) indicated below:

Brian C. Kipnis Annalisa L. Cravens Sarah L. Bishop Rebecca S. Cohen <i>Assistant United States Attorneys</i> Office of the United States Attorney 700 Stewart Street, Suite 5220 Seattle, WA 98101-1271 brian.kipnis@usdoj.gov annalisa.cravens@usdoj.gov sarah.bishop@usdoj.gov rebecca.cohen@usdoj.gov <i>Attorneys for Defendants</i>	<input checked="" type="checkbox"/> CM/ECF E-service <input type="checkbox"/> Email <input type="checkbox"/> U.S. Mail <input type="checkbox"/> Certified Mail / Return Receipt Requested <input type="checkbox"/> Hand delivery / Personal service
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I declare under penalty of perjury under the laws of the United States and the State of Washington that the foregoing is true and correct.

DATED this 14th day of July, 2025.

/s/ Gabriela DeGregorio

Gabriela DeGregorio
 Litigation Assistant
 Pacifica Law Group LLP